

Course Outline

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COURSE:	LAWS 2202C Obligations
TERM:	Winter 2015
PREREQUISITES:	LAWS 1000
CLASS:	<b>Day &amp; Time:</b> Wednesday 6:00 P.M. to 9:00 P.M. <b>Room:</b> Please check with Carleton Central for the current room location.
INSTRUCTOR: (CONTRACT)	Dr. Dwight Barnaby
CONTACT:	<b>Office:</b> Loeb B442 <b>Office Hrs:</b> By arrangement <b>Telephone:</b> (613) 562-2966 <b>Email:</b> <a href="mailto:999ott@rogers.com">999ott@rogers.com</a>

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**Academic Accommodations**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://www2.carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://www.carleton.ca/studentaffairs/academic-integrity/>

**Department Policy**

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://www.carleton.ca/law/student-resources/department-policies/>

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**COURSE DESCRIPTION**

This course will examine, both in theoretical and practical terms, how private rights and obligations are created and how their interactions and conflicts are regulated by the law. It will consider torts, contracts, reliance, fiduciary duties, and the increasingly important topic of unjust enrichment.

**REQUIRED TEXTS**

T. Brettel Dawson, ed., *Obligations in Private Law* (Captus Press, 2012) is the only required text for the course and is available in the University Bookstore.

**SUPPLEMENTARY TEXTS**

Ernest Weinrib, *The Idea of Private Law* (Harvard University Press, 1995) is a helpful supplementary text for those with a special interest in theoretical treatments of private law, especially torts. Stephen Waddams, *Dimensions of Private Law* (Cambridge University Press, 2003) provides students interested in a different approach to the organization of private law concepts with an alternative view.

## **EVALUATION**

### **(All components must be completed in order to get a passing grade)**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

**Class Participation:** Contributions to class discussions will be worth 10% of the course grade.

**Short Essay:** The topic for the essay will be made available at the end of the lecture on January 28. The essay should not be longer than 750 words. It is to be handed in at the February 4 class. The essay will be worth 20% of the course grade.

**Final Exam:** A final exam covering all course readings and lectures will be held during the final exam period, April 11 to April 23. It will be three hours long and worth 70% of the course grade.

## **SCHEDULE**

### **January 7: Introduction**

The way that the common law has traditionally mapped the social world into areas of special security for rights holders, particular duties for those coming within range of those rights, and areas of freedom open to creating new rights and duties is outlined, providing an introduction to the course.

Please read Dawson, Chapter 1.

### **January 14: Torts: 'The Glorious Principle' and Its Proximity Gloss**

Please read Dawson, Chapter 2.

### **January 21: Torts: Contours of Obligation in Negligence**

Please read Dawson, Chapter 3.

### **January 28: Torts: Case Studies**

Please read Dawson, Chapter 4.

### **February 4: The Emergence of Contract Law: Exchange and the Market**

Please read Dawson, Chapter 5.

**February 11: Contractual Obligations: Then and Now**

Please read Dawson, Chapter 6.

**February 18: Reading Week, no class**

**February 25: Contracts: Consideration and Evolution in Agreement**

Please read Dawson, Chapter 7.

**March 4: Unjust Enrichment and Defective Transactions**

Please read Dawson, Chapter 8.

**March 11: Unjust Enrichment and Broken Relationships**

Please read Dawson, Chapter 9.

**March 18: Conscience in Private Law: Reliance**

Please read Dawson, Chapter 10.

**March 25: Conscience in Private Law: Fiduciary Obligations**

Please read Dawson, Chapter 11.

**April 1: Conscience in Private Law Inequality of Bargaining Power**

Please read Dawson, Chapter 12.